



September 11, 2003

Mr. Jack Blackwell
Regional Forester
USFS, Pacific Southwest Region
c/o Sierra Nevada Forest Plan Amendment DSEIS
P.O. Box 221090
Salt Lake City, UT 84122-1090

Dear Jack:

Thank you for the opportunity to comment on the Sierra Nevada Forest Plan Amendment Draft Supplemental Environmental Impact Statement (DSEIS) of June 2003.

Let me preface my comments on the DSEIS with an assurance that the State of California remains steadfast in its desire to work with Region 5 of the United States Forest Service (USFS) on wildland fuels management and wildlife habitat in the Sierra Nevada. Our evident disagreements with the proposed direction, summarized below and detailed in the attachment, do not obviate the need for on-going cooperation between our agencies in the Sierra Nevada, particularly in the wildland-urban intermix. The proposal I made to you in my recent letter dated August 25 stands and is in no way changed by my comments on the DSEIS.

These are the major areas of concern with both the need and process involved in the DSEIS:

1. While the Resources Agency of the State of California has participated in the Review and offered significant input, we have seen little evidence to date that USFS has in fact considered our concerns and modified its approach accordingly.

For instance, early in the Review Team process we asked for a detailed list of all the projects implemented under the 2001 Record of Decision (ROD) that served as the evidentiary basis for changing the ROD. Though we asked for this list repeatedly, the USFS never produced this most basic part of the record. Both the Resources Agency and the Office of the Attorney General were forced to

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analyze the letters of the District Rangers in order to discern those projects, which as we suspected, were extremely limited.

Even in the absence of an empirical basis for revision, we were willing to consider detailed modeling of fire behavior and fuels as a basis for describing "the problem" as perceived by the USFS. We provided suggestions to Region staff regarding both the conduct of the modeling and the measures by which one could reasonably assert that a problem even existed. So far as we can tell, none of those suggestions were ever heeded, and indeed the very modeling effort nearly expunged from the record, again perhaps because the results did not unequivocally confirm the conclusions already apparently reached by the Region.

2. The purpose and need for the action you are undertaking in rewriting the Framework remain unsubstantiated. We refer you to the comments of the Attorney General of the State of California for a detailed analysis of the considerable legal shortcomings of the DSEIS. We are concerned about the factual basis for the purpose and need, particularly with respect to fire.

The DSEIS appears to predicate changes in forest management on the basis of the Review Team's analysis of the ROD with respect to the National Fire Plan, with particular emphasis on treatment effectiveness and cost. Yet when one examines the Review Team report, one finds a spatial analysis of one fire in one 50,000 acres watershed in the Central Sierra, with a conclusion that the treatments allowed under the ROD will in fact reduce the extent of burning. Setting aside the dubious practice of reconfiguring prescriptions for 11 million acres of land on the basis of single fire behavior analysis, the very results referenced by the DSEIS do not, in fact, support its central tenet. (The attachment details our concerns related to fire and fuels management.)

The near absence of significant fuels management in the defense zone in the two and a half years since the promulgation of the current ROD belies this concern with fuel treatment effectiveness and cost. California Department of Forestry (CDF) analyses of the public and private defense zone within the wildland urban intermix of the Sierra show nearly 50 percent to be in mature conifer stands. The USFS defense zone which covers 364,000 acres certainly has a higher than average incidence of mature timber, meaning that more than 182,000 acres of timberland could have been treated with commercial timber sales of trees up to 30" dbh since January 2001, generating considerable revenues for fuels treatment elsewhere in the forest. To our knowledge, few if any such sales have occurred. The inability of the USFS to execute timber sales not unlike those it now proposes for much larger areas far beyond the defense zone leads us to believe that the factors limiting the USFS response are not, as you claim, treatment effectiveness and cost.

These examples, when combined with the repeated assertion, despite our best attempts to highlight them, of conclusions without proof, indicate to us that you are employing not science or analysis, but instead a preconceived management direction, to be imposed on the Sierra Nevada—and California—by ministerial fiat. [This entire exercise has been extremely frustrating as we have seen considerable time, staff energy and resources consumed in an effort to return to a status quo ante, even as the situation regarding the need to reduce fuels especially around Sierra communities worsens though the lack of resources and management attention.

3. The preferred alternative constitutes a major change in direction with unexamined assumptions and significant unanalyzed impacts. Once again we refer you to the comments of the Office of the Attorney General of the State of California, which find that such a large shift in direction and spirit of the Framework requires something other than an SEIS. Our concerns involve the open-ended nature of the proposal and the uninformative of its impacts. For instance, in addition to strategically-placed area treatments, which were part of the 2001 ROD, the preferred alternative includes a new category of activity not included in the ROD or the Final Environmental Impact Statement: "forest health treatments". The DSEIS offers no guidance regarding the criteria to be used for engaging in forest health treatments which can be implemented using the same, presumably revenue-generating, prescriptions for fuels treatments. The DSEIS notes that up to 3.2 million acres of timberland, much of it with stand conditions conducive to owls, could be the target of such treatments. While the text suggests that only a small amount will be treated due to budget limitations, if the treatments are revenue generating, why would the budget limit forest health treatments? Moreover, what prevents forest health treatments from becoming a very large program, even as its impacts are entirely unexamined?

Lastly, though we will leave to others the detailed assessment of the preferred alternative's impact on the California spotted owl, we remind you that the decision by the United States Fish and Wildlife Service in February, 2003 not to list the owl was based as much on an assessment of the likely impacts of USFS management on habitat features important to the owl as on a review of demographic information. The demographic picture remains murky – not being able to prove a decline is not equivalent to proving that populations are stable – yet the preferred alternative removes nearly all the safeguards established in the 2001 ROD that the USFWS singled out in its decision not to list. The preferred alternative seems to guarantee another petition to list, one which will be difficult to deny on the basis of logic already employed by the USFWS.

4. The USFS analysis alternatives fail to address the real resource and institutional challenges of the Sierra Nevada. After years of involvement in the Sierra, it appears to us that real solutions to the management of the Sierra

Nevada must include a) flexibility coupled with accountability, b) continuous monitoring and development of new understanding, and c) financial linkages to the multiple beneficiaries of the Sierra.

Sustainable management certainly requires the ability to alter regional prescriptions to fit local conditions. But it also requires a mechanism that ensures that those local changes, taken together, still achieve the regional goal. Unfortunately, the preferred alternative creates license rather than flexibility by relaxing Standards and Guidelines over millions of acres of land with no mechanism to ensure that desired future conditions, especially those that are best expressed at a regional scale, will ever be achieved.

In our experience, the fundamental scientific problem in Sierra forest management is our continuing ignorance regarding the status of old forest species and particularly their response to fuels treatments. The solution therefore requires a systematic attempt to understand how different fuels treatment affect **both** fire and species' behavior. Yet the preferred alternative fails to outline a robust strategy for the development, application and inclusion of new knowledge and changing conditions.

Finally, we find that the cost of fuel management in the Sierra is the central implementation issue. Indeed we could imagine a range of alternatives that epitomizes options in the extent of needed fuels treatments and the variety of funding sources. Such a range of alternatives would allow the public to consider, and agency managers to pick, an optimal level of timber harvest needed to achieve fuels management goals in the light of other funding opportunities. Yet the EIS fails to illuminate the options available to deal with funding. Instead, it promotes a single silvicultural option as the answer to a complex administrative issue.

As you see, California has deep reservations on a number of grounds regarding the SEIS. As I began, however, I want to reiterate our desire to work with the USFS on the development and implementation of projects in the wildland-urban intermix of the Sierra Nevada. We are confident that, should we succeed with collaborative adaptive management in the WUI, the path to sustainable management of the entire Sierra Nevada will become clearer.

Yours sincerely,



Mary D. Nichols
Secretary for Resources

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Attachments

cc: Dale Bosworth, Chief, USDA, Forest Service
Mark Rey, Undersecretary, USDA
Senator Diane Feinstein
Senator Barbara Boxer